

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Application of)

**SAUDI ARABIAN AIRLINES)
CORPORATION)**

for Exemption Authority pursuant to)
49 U.S.C. § 40109)

(Liege, Belgium – United States)

Docket DOT-OST-2015-0062

**ANSWER OF AIR TRANSPORT INTERNATIONAL, INC. AND ABX AIR, INC.
TO APPLICATION OF SAUDI ARABIAN AIRLINES CORPORATION
FOR EXEMPTION AUTHORITY**

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**AIR TRANSPORT INTERNATIONAL,
INC. and ABX AIR, INC.**

Dated: January 7, 2022

**BEFORE THE
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**ANSWER OF AIR TRANSPORT INTERNATIONAL AND ABX AIR
TO APPLICATION OF SAUDI ARABIAN AIRLINES CORPORATION
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Air Transport International, Inc. (“ATI”) and ABX Air, Inc. (“ABX”), wholly-owned subsidiaries of Air Transport Services Group, Inc., respectfully submit this Answer opposing the application of Saudi Arabian Airlines Corporation (“Saudia”) in the above-captioned docket of the Department of Transportation (“DOT”), joining Atlas Air, Inc., Federal Express Corporation and United Parcel Service Co. in their opposition to Saudia’s application for the same reasons set forth in those airlines’ Answers in this docket,¹ in support whereof, ATI and ABX state as follows:

¹ ATI and ABX seek permission to file this Answer *nunc pro tunc* pursuant to 14 C.F.R. § 302.9 as good cause exists for its failure to file it sooner. Given the holidays, weather and other extenuating circumstances, communications among ATI, ABX and counsel were delayed.

1. ATI and ABX strongly support the use of 7th freedom all-cargo services and the open market access that Saudia is requesting when appropriate and reciprocally available to ATI, ABX and other U.S. all-cargo carriers. In this matter, however, neither of those conditions exist.

2. The U.S.-Saudi Arabia air services agreement (“Agreement”) does not provide either country’s all-cargo carriers 7th freedom rights. Therefore, Saudia cannot meet the relevant statutory requirements for the Department to designate Saudia to provide the requested services. Moreover, Saudia has not provided any overriding U.S. public interest justification for the Department to approve the requested services outside the terms of the Agreement. Saudia has simply made the conclusory statement that its request is in the “public interest.”

3. Saudia vaguely references, without substantive supporting facts or evidence, the well-known strain the COVID-19 pandemic has placed on the global supply chain as a rationale for the Department to grant its Application. Through, however, a series of Open Skies and other air services agreements championed by the U.S. government and others, including a combination of 3rd, 4th, 5th and 7th freedom air cargo rights, multiple U.S. all-cargo carriers may serve the markets and routes at issue in this docket and provide needed capacity in response to market conditions and demands.

Therefore, for the above reasons and those otherwise set forth by U.S. all-cargo airlines

in this docket, ATI and ABX respectfully request that the Department defer or deny Saudia's application.

Respectfully submitted,

Michael Goldman, Esq.
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SILVERBURG GOLDMAN, PLLC

Counsel for
AIR TRANSPORT INTERNATIONAL, INC. and
ABX AIR, INC.

/s/

G. Bailey Leopard, Jr.

Dated: January 7, 2022

CERTIFICATE OF SERVICE

I hereby certify that I have, on this 7th day of January 2022, served a copy of the foregoing Answer of Air Transport International, Inc. and ABX Air, Inc. to Application of Saudi Arabia Airlines Corporation for Exemption Authority by e-mail upon the following:

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